

Application of: Chang, Peter

Serial No.: 10/625,150

REMARKS

This amendment and response is being submitted in response to the Office Action dated May 26, 2005, the time to respond being until August 26, 2005. Claim 6 is herein amended. Claims 1-6 remain pending.

The Examiner objected to claim 6 as being dependent upon a rejected base claim, however the Examiner indicated that this claim would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Hence, claim 6 has been amended to include the limitations of claim 1.

The Examiner rejected claims 1-5 as being obvious over U.S. Patent No. 6,401,988 to Parent et al. in view of U.S. Patent No. 4,753,536 to Spehar et al. The '988 patent to Parent et al. discloses a fluid material dispenser friction pad. The Spehar et al. '536 patent teaches a dispensing mixture for storage and mixing of separate materials. The Examiner contends that the Parent et al. '988 patent discloses a device that is equivalent to the present invention with the exception of dual cartridges and the corresponding securing device, which the Examiner believes are disclosed in the Spehar et al. '536 patent. However, the Parent et al. '988 patent merely discloses the prevention of rotation of a cartridge in a cartridge type dispenser with the use of a retrofit friction pad. The friction pad is a flexible high-friction yoke-shaped insert that fits between the cradle and the cartridge of a *single-component* dispenser, not a catch-plate comprising of *inserts* used to seat and support a variety of *dual cartridges* for dispensing products from a *multi-component* dispenser. Parent et al. '988 does not contemplate an adaptive

Application of: Chang, Peter

Serial No.:10/625,150

catch plate to allow dispensing from various-sized cartridges at all, let alone multi-component cartridges. The present invention is a front catch plate for a dispensing gun, and an array of inserts that fit into the catch plate to accommodate differently-sized dual cartridges. Claims 1-5 reflect this as a front catch plate formed as "*a yoke*" and "*a plurality of inserts selectively installable on said yoke, each insert having a different cradle section for seating and supporting a corresponding variety of dual cartridges thereon*". While Parent et al. '988 depicts the front catch plate of a conventional caulk gun, and a singular friction pad behind the catch plate, they certainly do not teach or suggest a plurality of inserts selectively installable on said yoke, each insert having a different cradle section for seating and supporting a corresponding variety of dual cartridges thereon.

Spehar et al. '536 does not bridge the gap and, indeed, shows a singularly-sized syringe-type dual cartridge in combination with a fixedly-attached nozzle.¹ If the cartridge size or configuration were changed, an entirely new mating nozzle would need to be provided. There would be a need for multiple nozzles for all cartridges. This is exactly the problem the present invention is designed to overcome, and Spehar et al. '536 offers no solution alone or in combination with Parent et al. '988. Indeed, in Spehar et al. '536 there is no front catch plate formed as "*a yoke*" nor any "*plurality of inserts selectively installable on said yoke, each inser*

¹ "Collar 32 is molded about the body of the syringe 12 for coupling the syringe 12 to the nozzle assembly 14. The collar 32 is recessed from the proximal end 25 of the syringe 12 to form a ledge 35 which is slidably inserted into the head 36 of the nozzle assembly 14 with the collar 32 abutting a rim 44 extending from the head 36. The rim 44 may be either *permanently affixed to the collar 32 or mechanically secured thereto*. A permanent connection may be made by *ultrasonically welding* the abutting ends together or by bonding the ends using an adhesive."

Application of: Chang, Peter

Serial No.:10/625,150

having a different cradle section for seating and supporting a corresponding variety of dual cartridges thereon".

All of claims 1-5 are patentably distinguished on their merits. Moreover, there is no motivation to combine these references. There simply is no need or means to dispense multi-component compositions in the Parent et al. '988 patent, nor any need to adapt to accommodate different cartridges in the Spehar et al. '536 patent. Consequently, one skilled in the art seeking to dispense multi-component compositions from various-sized dual cartridges would have no motivation to consider the friction pad of Parent et al. '988, and absolutely no reason to combine it with the dual-syringe disclosed in the Spehar et al. '536 patent. It is well settled that an inventive combination cannot be anticipated by finding individual features separately in the prior art and combining them in a piecemeal manner to show obviousness. See In re Kamm and Young, 17 USPQ 298, affd. (Court held that "The rejection here runs afoul of a basic mandate inherent in section 103 - that a piecemeal reconstruction of the prior art patents in the light of appellants disclosure shall not be the basis for a holding of obviousness.) Neither the Parent et al. '988 patent nor the Spehar et al. '536 patent teaches or suggests the desirability of merging themselves for the purpose of creating a multi-front front catch plate design to be used with a dispenser for various multi-component cartridges.

Not only is there a lack of motivation to combine, but there is a distinct incentive not to. These are entirely non-analogous patents. If the combination were made the result would be a singularly-sized dual syringe with a friction pad to prevent rotation of the cartridges, an

Application of: Chang, Peter

Serial No.:10/625,150

inoperable result inasmuch as rotation is not a problem not even encountered with dual cartridges.

Claim 1 is patentably distinguished. Likewise depending claims 2-5 incorporate the same limitations by reference and are patentably distinguished as well.

Claims 4 and 5 are further distinguished on their own merits because neither cited reference suggests a yoke defined by a tongue-and-groove track around its periphery (claim 4), nor inserts defined by a peripheral track for cooperation with the tongue-and-groove periphery of said yoke (claim 5).

In view of the above, all pending claims 1-6 are believed to avoid all the objections/rejections set forth in the Official Action and thus, the case should be in condition for allowance. A Notice to this effect is respectfully requested, and the Examiner is invited to call the undersigned at 410.385.2383 to discuss any remaining issues.

* * *

Respectfully submitted,

Royal W. Craig
Reg. No. 34,145
(410) 528-8252
Attorney for Applicant

Date August 26, 2005

Law Offices of Royal W. Craig, P.C.
10 North Calvert Street
Suite 153
Baltimore, Maryland 21202